

REMARKS/ARGUMENTS

Prior to entry of this Amendment, the application included claims 1-22. No claims have been amended, canceled or added. Hence, after entry of this Amendment, claims 1-22 stand pending for examination.

Claims 1-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the cited portions of U.S. Patent No. 6,341,287 to Sziklai et al. (“Sziklai”).

Office Action Improperly Made Final

The Applicants believe the pending Office Action was improperly made final. In the response to arguments section, the Office Action states that the Applicants’ arguments were considered but they are “moot in view of the new grounds of rejections.” Any new “grounds of rejections” were not necessitated by the Applicants’ amendments, however, because there were not any. Hence, the pending Office Action was improperly made final.

Rejections Under 35 U.S.C. § 102

The Applicants respectfully traverse and request reconsideration of the pending rejections. The cited reference does not teach each and every claim element as required for a proper rejection under 35 U.S.C § 102. As pointed out in the prior amendment, Sziklai does not teach “storing configuration information at a transaction processing device, wherein the configuration information configures the device to produce suspicious activity reports based on certain criteria” as recited in claim 1. In response to this argument, the final Office Action states, “[f]urther storing configuration information at a transaction processing device, and configuration information configures the device to produce suspicious activity reports. However configures the device to produce suspicious activity reports is not a positive step because the device only configured to produce its not actually producing any reports.” The Applicants are unable to understand what this is saying. In any event, it does not appear to be a proper explanation for why the claim stands rejected even though the cited reference does not teach the claim element.

A proper rejection under 35 U.S.C. § 102 requires that the Office Action cite a prior art reference that teaches each and every claim element. That is not the case here, and claim 1 is believed to be allowable, at least for the foregoing reason. Claim 14 includes a similar element and is believed to be allowable, at least for similar reasons.

The Applicants also respectfully point out that the cited reference does not teach “receiving transaction information; determining, based on the transaction information and the certain criteria, whether a suspicious activity report is to be prepared; and generating a suspicious activity report containing at least some of the transaction information.” The final Office Action does not address the Applicants’ arguments in this regard, and claims 1 and 14 are believed to be allowable, at least for this additional reason.

The Applicants note that page 6 of the final Office Action refers to claims 26, 48, 73, 95 and 120. The present application does not include those claims. The Applicants also do not understand what the final Office Action means by the information at paragraph 6.

The remaining claims depend from one of the independent claims discussed above and are believed to be allowable, at least for the reasons stated above.

Conclusion

In view of the foregoing, the Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

Application No. 10/658,844
Amendment dated February 29, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3692

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Date: February 29, 2008

/Irvin E. Branch/

Irvin E. Branch

Reg. No. 42,358

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
IEB/jln
61274693 v1